IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 11TH JULY 2007 / 20TH ASHADHA 1929

Bail Appl..No. 4092 of 2007()

CRIME NO.199/07 OF MUNAMBAM POLICE STATION

PETITIONER/ACCUSED

ANIL K., S/O. LATE K.C.KESAVAN,
KALATHIL HOUSE, NEENDOOR, VADAKKEKARA.

BY ADV. SRI.N.K.MOHANLAL

RESPONDENTS: COMPLAINANT

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1. SUB INSPECTOR OF POLICE,
MUNAMBAM POLICE STATION.

2. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U. NAZAR.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 11/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. NO. 4092 OF 2007

Dated this the 11th day of July, 2007

ORDER

Application for anticipatory bail. The petitioner faces allegations under Sec.498A of the IPC. A crime has been registered on the basis of a private complaint filed by the de facto complainant – wife of the petitioner, and referred to the police by the learned Magistrate under Sec.156(3) of the Cr.P.C. Investigation is in progress. The petitioner apprehends imminent arrest.

2. The learned counsel for the petitioner prays, the learned Public Prosecutor does not seriously oppose the said prayer and I am satisfied that directions under Sec.438 of the Cr.P.C. can be issued in favour of the petitioner. I reckon the stand taken by the learned Public Prosecutor to be absolutely reasonable, considering the fact that the crux of the allegation is that the petitioner wanted a property to be transferred to the

joint names of the husband and wife and there is no allegation of any physical cruelty of the culpable variety against the petitioner. Appropriate conditions can, of course, be imposed to secure the interests of a fair, proper and expeditious investigation.

3. In the result, this petition is allowed. Following directions are issued under Sec.438 of the Cr.P.C:

(i) The petitioner shall appear before the learned Magistrate having jurisdiction at 11 a.m. on 16/7/07. He shall be released on regular bail on his executing a bond for Rs.25,000/- with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(ii) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m. and 3 p.m. on 19/7/07 and 20/7/07 and thereafter on all Mondays and Fridays between 10 a.m. and 12 noon for a period of two months. Subsequently, he shall so make himself available for interrogation before the Investigating Officer as and when directed by the Investigating Officer in writing to do so.

(iii) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to

arrest the petitioner and deal with him in accordance with law as if those directions were not issued at all;

(iv) If the petitioner were arrested prior to his surrender on 16/7/07 as directed in clause (i) above, he shall be released on his executing a bond for Rs.25,000/- without any sureties undertaking to appear before the learned Magistrate on 16/7/07.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge